

FILED
for Danville
JUN 01 2006

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

RHONDA G. MARTIN,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

CASE NO. 4:05CV00068

REPORT AND RECOMMENDATION

By: B. Waugh Crigler
U. S. Magistrate Judge

On May 23, 2006, the undersigned entered an order granting plaintiff until June 5, 2006 to show cause why the case ought not be dismissed for failure to prosecute in accordance with the Standing Order governing the filing of briefs. On May 31, 2006, plaintiff, by counsel, moved to voluntarily dismiss her request for judicial review of the Commissioner's denial of her claim for disability benefits. Counsel for the Commissioner has informed the undersigned she has no objection.

Upon consideration whereof, it is RECOMMENDED that an order enter GRANTING the plaintiff's motion and DISMISSING this action from the docket of the court.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED: *[Signature]*

U.S. Magistrate Judge

6-01-06
Date